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NOT TO BE PUBLISHED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

JOHN LANGDON, Plaintiff and Appellant, v. OCWEN LOAN SERVICING, LLC et al., Defendants and Respondents.	C084475 (Super. Ct. No. STKCVURP20150008446)

Plaintiff John Langdon, in propia persona, purports to appeal from a tentative ruling sustaining the demurrer, without leave to amend, of defendants Ocwen Loan Servicing, LLC (Ocwen) and Deutsche Bank National Trust Company (Deutsche Bank) to his third amended complaint. We liberally construe Langdon's notice of appeal to apply to the trial court's judgment of dismissal (Cal. Rules of Court, rule 8.100(a)(2)), and conclude that Langdon has not met his burden as the appellant to demonstrate reversible error. Accordingly, we affirm the judgment.

I. BACKGROUND

Langdon, then represented by counsel, filed the operative third amended complaint on September 19, 2016. According to the allegations in the complaint, and documents subject to judicial notice, Langdon received a $742,500 loan from American Home Mortgage Acceptance, Inc. in March 2005, which was memorialized in a promissory note and secured by a deed of trust on residential property in Stockton. The loan was serviced by Ocwen, and the deed of trust was transferred to Deutsche Bank in 2011. Deutsche Bank substituted Fidelity National Title Company (Fidelity) as trustee under the deed of trust in October 2013, and the property was sold at a trustee's sale in December 2013. The complaint names Ocwen, Deutsche Bank, and Fidelity as defendants and asserts causes of action for breach of security instrument, wrongful foreclosure in violation of Civil Code section 2924 et seq., fraud, violations of Civil Code section 2934a, subdivision (b), an accounting, violations of Business and Professions Code section 17200, intentional infliction of emotional distress, slander of title, and quiet title.

Ocwen and Deutsche Bank demurred to the complaint on October 12, 2016. Langdon opposed the demurrer. The trial court issued a tentative ruling sustaining the demurrer without leave to amend on January 11, 2017. The trial court adopted the tentative ruling as the order of the court on February 9, 2017. The trial court entered judgment in favor of Ocwen and Deutsche Bank on February 15, 2017. Langdon, now representing himself, filed a notice of appeal on April 13, 2017.

II. DISCUSSION

A. Appealability

Langdon's notice of appeal purports to appeal from the tentative ruling, rather than the judgment. Tentative rulings are not appealable. (*Bianco v. California Highway Patrol* (1994) 24 Cal.App.4th 1113, 1121, fn. 3.) However, we will liberally construe the notice of appeal to apply to the judgment of dismissal, as Langdon clearly intended to appeal from the judgment, and Ocwen and Deutsche Bank ask us to do so. (Cal. Rules of

Court, rule 8.100(a)(2); see also *Gu v. BMW of North America, LLC* (2005) 132 Cal.App.4th 195, 202-203.)

B. Presumption of Correctness and Burden on Appeal

Although Langdon purports to challenge the order sustaining the demurrer without leave to amend, he does not discuss the trial court's order or provide any analysis of why the court might have erred. Instead, Langdon offers a bewildering hodgepodge of new arguments and allegations, claiming, for example, that "everything said and done in these courts have been against Petitioner's will while under Duress," and invoking, inter alia, the Federal Rules of Civil Procedure, the Copyright Act of 1790 (ch. 15 (May 31, 1790) 1 Stat. 124), the Reconstruction Act of 1868 (ch. 25 (March 11, 1868) 15 Stat. 41), the Emergency Banking Act of 1933 (Pub.L.No. 73-1 (March 9, 1933) 48 Stat. 1), the Social Security Act of 1935 (42 U.S.C. §§ 401-433), the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962), the War Powers Resolution (50 U.S.C. §§ 1541-1548), and Article for National Defense (Pub.L.No. 66-242 (June 4, 1920) 41 Stat. 787). Langdon also directs our attention to a standalone compilation of snippets from federal and out of state cases, most of which stand for the proposition that a national bank cannot lend credit by "guaranteeing the debt of another" (an argument we have no occasion to consider). (See, e.g., *Norton Grocery Co. v. People's Nat. Bank of Abingdon* (Va. 1928) 144 S.E. 501, 503.) It is not clear how any of these far-flung authorities relate to the matter at hand.

Based on the opening brief, we conclude that Langdon has failed to carry his burden on appeal. The trial court's judgment is presumed to be correct on appeal, and it is the burden of the party challenging it to affirmatively demonstrate prejudicial error. (*Bianco v. California Highway Patrol, supra,* 24 Cal.App.4th at p. 1125.)[1] An

[1] Additionally, the record does not contain any reporter's transcripts. Where the appellant fails to provide a reporter's transcript or settled statement, "it is presumed that

appellant's failure to articulate intelligible legal arguments in the opening brief may be deemed an abandonment of the appeal justifying dismissal. (*Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1119.) Likewise, a failure to present arguments with adequate and comprehensible references to the record on appeal and citation to pertinent legal authority can result in forfeiture of any contention that could have been raised on appeal. (Cal. Rules of Court, rule 8.204(a)(1)(B) & (C); *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.) An appellant's self-represented status does not exempt him from the rules of appellate procedure or relieve him of his burden on appeal. (*Nwosu v. Uba, supra,* at pp. 1246-1247.)

Here, Langdon's opening brief advances a jumble of incoherent arguments, none of which show that the trial court erred in sustaining the demurrer without leave to amend. By way of example, the opening brief argues: "Petitioner came to these courts to settle this account to which Petitioner was told to redact and rescind those requests under threat of non-submission. [¶] These courts hold no other option but to enter a Judgment of dismissal entered upon the sustaining of the Demur upon JUDICIAL NOTICE of attached Exhibits, lest be accountable themselves for continued obstruction of justice under the influence of the Internal Revenue Service to aid and abet the substitution of a federalized REPO into the US Housing NAMEsake BONDage market for intellectual Government Property swaps. *See Federal Civil Rules, Rule 81(f) (omitted from public view).*" Elsewhere, the opening brief asks, "If i am not a Man holding rights in this land as a national born citizen as documented under forced retraction of prior attachment 2 under threat of non-submission, then am i not at the very least afforded The Privileges and Immunities Clause of U.S. Constitution, Article IV, Section 2, Clause 1, also known as the Comity Clause?" These incoherent arguments and asides do not tell us why the

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the unreported trial testimony would demonstrate the absence of error." (*Estate of Fain* (1999) 75 Cal.App.4th 973, 992.)

trial court's order sustaining the demurrer was erroneous, or how the denial of leave to amend was an abuse of discretion. We are not required to search the record on our own seeking error. (*Del Real v. City of Riverside* (2002) 95 Cal.App.4th 761, 768.)

Langdon's opening brief is deficient in other respects as well. These deficiencies include: (1) the failure to present legal analysis and relevant supporting authority for each point asserted, with appropriate citations to the record on appeal (*Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856); (2) the failure to support references to the record with a citation to the volume and page number in the record where the matter appears (Cal. Rules of Court, rule 8.204(a)(1)(C)); and (3) the failure to state the nature of the action and summarize the significant facts, limited to matters in the record (Cal. Rules of Court, rule 8.204(a)(2)(A), and (C)). These are not mere technical requirements, but important rules of appellate procedure designed to alleviate the burden on the court by requiring litigants to present their cause systematically, so that the court "may be advised, as [it] read[s], of the exact question under consideration, instead of being compelled to extricate it from the mass." (*Landa v. Steinberg* (1932) 126 Cal.App. 324, 325.)

We are sympathetic to the fact that Langdon is representing himself without the benefit of an attorney, but his status as a self-represented litigant does not exempt him from the rules of appellate procedure or relieve him of his obligation to present intelligible argument supported by the record and relevant legal authority. (*Nwosu v. Uba, supra,* 122 Cal.App.4th at pp. 1246-1247.) In this case, Langdon's failure to articulate an intelligible legal argument supported by adequate references to the record falls short of carrying his burden to affirmatively demonstrate error.

III. DISPOSITION

The judgment is affirmed. Respondents shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1) & (2).)

/S/

RENNER, J.

We concur:

/S/

ROBIE, Acting P. J.

/S/

MURRAY, J.